

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SINCERE SMITH,

Plaintiff,

-against-

C.O. J. CORDERO; C.O. A. UDAYAN; C.O. R.
ROBINSON; C.O. M. DAVIS; C.O. E. JARVIS;
C.H.O. OTAIZA; A. RODRIGUEZ; A. ANNUCCI,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/9/2021

No. 21 CIV 2712 (NSR)

**SUPPLEMENTAL ORDER OF
SERVICE**

NELSON S. ROMÁN, United States District Judge:

Plaintiff Sincere Smith, who is currently incarcerated at Mid-State Correctional Facility in Marcy, New York, brings this pro se action under 42 U.S.C. § 1983, alleging that Defendants violated his federal constitutional rights.

By order dated April 23, 2021, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, in forma pauperis ("IFP"). (ECF No. 4.) On June 24, 2021, pro se Plaintiff filed his Amended Complaint. (ECF No. 10.) The Amended Complaint names the following additional defendants: C.H.O. Otaiza, A. Rodriguez, and Anthony J. Annucci (collectively, "Additional Defendants"), upon each of whom the Court directs service. In a letter to the Court dated October 1, 2021, the New York State Office of Attorney General informed the Court that Defendant Otaiza's correct name is Ataiza. (ECF No. 17.) Furthermore, it appears that Defendant C.O. E. Jarvis has not been served despite the Court's Order of Service issued on April 28, 2021. (ECF No. 6.)

To allow Plaintiff to effect service on each of the Additional Defendants and on Defendant Jarvis by the U.S. Marshals Service, the Clerk of Court is instructed to (1) fill out a U.S. Marshals

Service Process Receipt and Return form (“USM-285 form”) for each of the Additional Defendants and Defendant Jarvis with addresses as follows:

- C.H.O. Ataiza, New York State Department of Corrections and Community Supervision, 1220 Washington Avenue, Albany, NY 12226
- A. Rodriguez, Director of SHU, New York State Department of Corrections and Community Supervision, 1220 Washington Avenue, Albany, NY 12226
- Anthony J. Annucci, New York State Department of Corrections and Community Supervision, 1220 Washington Avenue, Albany, NY 12226
- C.O. E. Jarvis, New York State Department of Corrections and Community Supervision, 1220 Washington Avenue, Albany, NY 12226

(2) to issue a summons for each of the Additional Defendants and for Defendant Jarvis; and (3) to deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service on each of the Additional Defendants and on Defendant Jarvis.

The Clerk of Court is further instructed to (4) correct Defendant Otaiza’s last name to “Ataiza” on the docket; and (5) to mail a copy of this Order to pro se Plaintiff at his address listed on ECF and to show service on the docket.

Plaintiff is reminded to notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

Dated: November 9, 2021
White Plains, New York

SO ORDERED:

A handwritten signature in blue ink, appearing to read "Nelson S. Román", is written over a light blue horizontal line.

NELSON S. ROMÁN
United States District Judge